- 1 R277. Education, Administration.
- 2 R277-403. Student Reading Proficiency and Notice to Parents.
- 3 **R277-403-1**. **Definitions**.

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- A. "Board" means the Utah State Board of Education.
- B. "Competency" means a demonstrable acquisition of a specified knowledge, skill or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill or ability.
- 9 C. "Lacks proficiency" for purposes of this rule means 10 that a student requires additional instruction beyond that 11 provided to typically developing peers in order to close the 12 gap between the student's current level of reading achievement 13 and that expected of all students in that grade as determined 14 by valid and reliable assessments as designated by the Board.
  - D. "LEA" means a local education agency, including local school boards/public school districts and charter schools.
- 17 E. "Midpoint of the school year" means January 31 of the 18 school year.
- F. "Notification to parents" for purposes of this rule means notice by any reasonable means including electronic notice, notice by telephone, written notice, or personal notice.
- G. "Reading below grade level" for purposes of this rule
  means that a student requires additional instruction beyond
  that provided to typically developing peers in order to close
  the gap between the student's current level of reading
  achievement and that expected of all students in that grade as
  determined by valid and reliable assessments as designated by
  the Board.
- 30 H. "Reading remediation interventions" means instruction 31 or activities or both in reading given to students in addition 32 to their regular reading instruction, during another time in 33 the school day, outside regular instructional time, or in the 34 summer, which is focused on specific needs as identified by 35 reliable and valid assessments.
- 36 I. "USOE" means the Utah State Office of Education.
- J. "Utah Consolidated Application (UCA)" means the

- 38 web-based grants management tool employed by the Utah State
- 39 Office of Education by which local education agencies submit
- 40 plans and budgets for approval of the Utah State Office of
- 41 Education.

### 42 R277-403-2. Authority and Purpose.

- 43 This rule is authorized under Utah Constitution 44 Article Χ, Section 3 which vests general control supervision over public education in the Board, by [Section 45 46 53A-1-606.6 which directs the Board to make rules defining expected reading levels, providing necessary definitions, and 47 48 establishing necessary timelines, [Section 53A-17a-150(14) 49 which directs the Board to make rules to implement the Program 50 and to require progress reports from LEAs documenting the LEA's satisfaction of their reading goals, and by Section 53A-51 52 1-401(3) which allows the Board to make rules in accordance 53 with its responsibilities.
- B. The purpose of this rule is to provide [notice, reporting standards and timelines for LEAs and to provide for a report by the Board to the Education Interim Committee as required under Section 53A-1-606.6] definitions of terms used in Section 53A-1-606.6, to provide necessary testing and reporting windows and timelines, and to require submission by LEAs of student reading assessment data to the USOE.

# 61 [R277-403-3. LEA Responsibilities (For the 2011-2012 School

#### 62 **Year)**.

- A. Before the midpoint of the school year, each LEA or school within an LEA, shall identify every first, second and third grade student currently enrolled in the school who is
- 66 reading below grade level.
- 67 B. Each LEA shall notify the parent/legal guardian of each student identified under R277-403-3A as determined by the
- 69 LEA by February 15 of the school year.
- 70 C. An LEA shall use at least two different assessments to 71 identify students who are not reading at grade level.

- D. One assessment shall be determined by the Board. 72
- 73 E. Each LEA shall select and submit the name or type of
- 74 the additional assessment to the USOE that it shall use to
- 75 identify students who are not reading at grade level as a part
- 76 of the UCA.
- F. LEAs shall determine the grade level designation for 77
- 78 each selected assessment; the USOE shall provide guidance to
- LEAs to assist in their designation of grade level for various 79
- 80 assessments.
- 81 G. If the reading assessment indicates a student lacks
- proficiency in a reading skill, the LEA shall: 82
- 83 (1) provide notice to the parent or guardian of each
- student reading below grade level, lack of proficiency and 84
- provide information to the parent or guardian of appropriate
- 86 interventions available to the student outside regular
- instructional time that may include tutoring, before and after 87
- 88 school programs, or summer school;
- (2) provide focused intervention to develop the reading 89
- 90 skill;

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- 91 (3) administer formative assessments to measure the
- 92 success of the focused intervention; and
- 93 (4) inform the student's parent or guardian of activities
- 94 that the parent or guardian may engage in with the student to
- 95 assist the student in improving reading proficiency.
- 96 H. LEAs shall report to parents the student's reading
- 97 level at the end of third grade.
- I. LEAs shall provide as part of the Clearinghouse Data 98
- Submission, the following information: 99
- (1) the number of students in each of grades 1, 2 and 3 100
- 101 that were reading below grade level at the midpoint of the
- 102 school year;
- 103 (2) the number of students in each grade level that were
- 104 reading below grade level at the midpoint of the school year
- 105 and who received reading remediation interventions;
- 106 (3) the name of each student in grades 1, 2 and 3 and a
- 107 designation of whether the student is reading at grade level
- 108 or below grade level; and

- 109 (4) the name of each student in grades 1, 2 and 3 who
- 110 received reading interventions as required under R277-403-3G
- 111 in the prior school year.

## 112 R277-403-[5]3. Board/USOE Responsibilities.

- 113 A. The Board shall designate one benchmark assessment for 114 use statewide by all LEAs to assess the reading competency of 115 students in grades one, two, and three for the beginning, 116 midpoint and end of year assessments.
- B. The USOE shall provide guidance to LEAs about valid and reliable assessments to be used for the midpoint supplemental assessments to assist in evaluating the reading grade level of students.
- 121 C. The USOE shall provide procedures for LEAs to 122 determine expected reading levels of first, second and third 123 grade students.
- 124 [D. The USOE shall report and provide data to the 125 Education Interim Committee consistent with Section 53A-1-126 606.6(3).]
- 127 [ $\pm$ ] $\underline{D}$ . The Board shall contract with an educational 128 technology provider, selected through a request for proposals 129 process, for a diagnostic assessment system for reading for 130 students in kindergarten through grade three that meets the 131 requirements of 53A-1-606.7.
- 132  $[\#]\underline{E}$ . To the extent of funds available, the USOE shall 133 select interested LEAs to use the diagnostic assessment for 134 reading.
- 135 [G] F. The USOE shall provide timelines to LEAs for 136 notification to the USOE of:
  - (1) LEA selected assessments;

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- (2) student reading data required by law;
- 139 (3) assurance of compliance with all legislative and 140 Board requirements as requested.
- 141 [H]<u>G</u>. LEAs that select the assessment technology shall 142 use the assessment consistent with Board directives.
- 143  $[\pm]$ <u>H</u>. The Board shall evaluate the diagnostic assessment 144 system for reading by comparing the learning gains for

- 145 students in LEAs that do not use the diagnostic assessment
- 146 system for reading with LEAs that used the diagnostic reading
- 147 assessment.
- 148 [J] <u>I</u>. [The Board shall submit a report of the comparison
- 149 and other data to the Public Education Appropriations
- 150 Subcommittee by November 2013] The Board shall report to the
- 151 Education Interim Committee consistent with timelines and
- information required under Section 53A-17a-150(13).
- 153  $[H]\underline{J}$ . The Board shall make an annual report to the Public
- 154 Education Appropriations Subcommittee as described in
- 155 53A-17a-150(16).

# 156 R277-403-4. LEA Responsibilities[ (Beginning with the 2012-

- 157 **2013 School Year)**].
- 158 A. LEAs shall administer the Board approved benchmark
- 159 assessments at the beginning, in the middle, and at the end of
- 160 grade one, grade two and grade three within testing windows
- 161 determined by USOE.
- B. Following each benchmark assessment, an LEA or school
- 163 within an LEA shall notify parents or guardians of the
- 164 student's results.
- 165  $\left[\frac{B}{B}\right]C$ . At the beginning, in the middle and at the end of
- 166 the school year, each LEA or school within an LEA, shall
- 167 identify every student currently enrolled in the school who is
- 168 in the first, second or third grade who is not reading at
- 169 grade level.
- 170 [C. Reading testing windows for the beginning, middle and
- 171 end testing periods shall be set by the USOE.
- D. If a benchmark assessment or supplemental reading
- 173 assessment indicates a student lacks competency in a reading
- 174 skill, the LEA shall:
- 175 (1) provide notice to parents of student's lack of
- 176 competency;
- 177 (2) provide information to the parent or guardian
- 178 regarding appropriate interventions available to the student
- 179 outside regular instructional time that may include tutoring,
- 180 before and after school programs, or summer school;

- 181 (3) provide focused individualized intervention to develop the reading skill;
- 183 (4) administer formative assessments to measure the success of the focused intervention; and
- 185 (5) inform the student's parent or guardian of activities 186 that the parent or guardian may engage in with the student to 187 assist the student in improving reading competency.
- 188 E. LEAs shall report to parents in the beginning, by 189 February 15, and at the end of grade one, grade two and grade 190 three, assessment results.
- F. LEAs shall also report to parents the student's reading level at the end of third grade.
- 193 G. LEAs shall provide as part of the UTREx Data 194 Submission, the following information:
- 195 (1) the number of students in each of grades 1, 2 and 3 196 that were reading below grade level at the beginning, 197 midpoint, and end of the school year;
- 198 (2) the number of students in each grade level that were 199 reading below grade level at the midpoint of the school year 200 and who received reading remediation interventions;
- 201 (3) the name of each student in grades 1, 2 and 3 and a 202 designation of whether the student is reading at grade level 203 or below grade level; and
- 204 (4) the name of each student in grades 1, 2 and 3 who 205 received reading interventions as required under R277-403-3G 206 in the prior school year.
- 207 KEY: students, reading, competency
- 208 Date of Enactment or Last Substantive Amendment: [October 11,
- 209 **2011**]**2013**
- 210 Notice of Continuation: June 10, 2013
- 211 Authorizing, and Implemented or Interpreted Law: Art X, Sec
- 212 3; [53A-1-606.6(2)] 53A-17a-150(14); 53A-1-401(3)